

Message Text

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ACTION NEA-10

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FM AMEMBASSY COLOMBO

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INFO AMEMBASSY DACCA

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AMCONSUL MADRAS

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E.O. 11652: N/A

TAGS: PGOV, CE

SUBJECT: NATIONAL ASSEMBLY PASSES NEW CONSTITUTION

REF: COLOMBO 3663

1. ON 16 AUGUST WITH ONLY THE GOVERNMENT'S UNITED NATIONAL PARTY (UNP) AND THE CEYLON WORKERS CONGRESS (CWC) MEMBERS IN ATTENDANCE, THE NATIONAL STATE ASSEMBLY (NSA) PASSED THE THIRD READING OF THE NEW CONSTITUTION 137-0 (TOTAL MEMBERSHIP IS 168). THE NEW CONSTITUTION WILL BE PROMULGATED ON SEPTEMBER 7, 1978, AT WHICH TIME THE PRESIDENT WILL TAKE HIS OATH OF OFFICE BEFORE THE NSA.

2. THE FINAL VERSION OF CONSTITUTION INCLUDES 54 AMEMDMENTS WORKED UP IN COMMITTEE. PRINCIPAL AMEMDMENTS ARE:
(1) THE CONTROVERSIAL ARTICLE 157 ON ADVOCATING CHANGES TO THE CONSTITUTION HAS BEEN DROPPED;
(2) ARTICLE 158 NOW Allows THE NSA TO CANCEL A TREATY

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OR AGREEMENT RELATED TO FOREIGN INVESTMENT IF IT IS DEEMED NOT IN THE INTEREST OF NATIONAL SECURITY;
(3) ARTICLE ON FUNDAMENTAL RIGHTS IS NOW APPLICABLE FOR TEN YEARS TO NON-CITIZENS WHO ARE RESIDENT IN SRI LANKA IMMEDIATE PRIOR TO ENACTMENT OF CONSTITUTION, EXTENDING FUNDAMENTAL RIGHTS TO NON-CITIZEN TAMIL ESTATE WORKERS;

(4) IN ARTICLE 15, LANGUAGE THAT WOULD HAVE OPENED WAY FOR RESTRICTIONS ON FORMATION AND JOINING OF TRADE UNIONS IN STATE AGENCIES AND PUBLIC CORPORATIONS HAS BEEN DROPPED;

(5) ARTICLE 79 WHICH WOULD HAVE PERMITTED AMENDMENT TO THE CONSTITUTION WITH LESS THAN TWO-THIRDS BUT MORE THAN ONE-HALF VOTE OF NSA BY REFERRAL TO A NATIONAL REFERENDUM HAS BEEN DROPPED;

(6) ARTICLE 126 POWERS OF SUPREME COURT TO HEAR AND DETERMINE QUESTIONS RELATING TO INFRINGEMENTS OF FUNDAMENTAL RIGHTS OF CONSTITUTION HAVE BEEN EXPANDED TO INCLUDE LANGUAGE RIGHTS.

3. THAT THE CWC MP VOTED WITH THE GOVERNMENT IS NO SURPRISE. HE WORKED HARD FOR INCLUSION OF GUARANTEE OF FUNDAMENTAL RIGHTS FOR HIS CONSTITUENCY, THE TAMIL ESTAGE WORKERS. IT IS THE FIRST TIME NON-CITIZENS HAVE BEEN GRANTED SUCH RIGHTS IN OVER TWO DECADES. CONTRARY TO PRESS REPORTS THE CWC MP REMAINS ASSOCIATED WITH THE TULF. HE HAS AN UNDERSTANDING WITH THE TULF THAT HE IS FREE TO VOTE AS HE SEES FIT ON ISSUES IMPORTANT TO HIS CONSTITUENCY AND THE TULF LEADERSHIP HONORS THAT UNDERSTANDING.

4. WE WILL SEND DEPARTMENT FINAL TEXT OF CONSTITUTION WITH OUR COMMENTS IN NEAR FUTURE.

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